

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

DEREK L. WHITE, #1108942,

Petitioner,

v.

ACTION NO. 2:24cv189

CHADWICK DOTSON,

Respondent.

FINAL ORDER

Petitioner Derek L. White ("White"), a Virginia inmate, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on March 25, 2024. ECF No. 1. White argues that amendments to Virginia's statutory scheme governing earned sentence credits violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment, the Ex Post Facto Clause, and the Eighth Amendment's prohibition against cruel and unusual punishment. ECF No. 1, at 21. Respondent, Chadwick Dotson, Director of the Virginia Department of Corrections, moved to dismiss the petition. ECF No. 12.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation.

The report and recommendation, filed February 5, 2025, recommends that respondent's motion to dismiss, ECF No. 12, be granted, and White's federal petition, ECF No. 1, be denied and dismissed with prejudice. ECF No. 16, at 18. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 18-19. No objection has been filed.

The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 12, is **GRANTED**, and White's petition is **DENIED** and **DISMISSED WITH PREJUDICE**.

White has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

White is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If White intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. White may seek such a certificate by filing a**

written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk shall mail a copy of this Final Order to White and counsel of record for respondent.

/s/ [Signature]
Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
March 11, 2025